

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

IDALI QUIRÓS ET AL.,

Plaintiffs,

v.

CIVIL NO. 08-1074 (JAG)

ELIASÍN MUÑOZ, M.D., ET AL.,

Defendants.

**REPORT AND RECOMMENDATION**

A status conference was held on March 12, 2009. The following attorneys attended the ISC: Luis A. Alvarado Hernández on plaintiffs' behalf; Anselmo Irizarry Irizarry on behalf of Elíasín Muñoz; José H. Vivas on behalf of Laura Mata; Luis Soto Colón on behalf of Policlínica Bella Vista, Inc.; José A. Miranda Daleccio on behalf of MMR Instituto de la Medicina de Familia del Oeste C.S.P.; Raiza Vélez on behalf of Hostos Medical Services, HCO-IPA 204; Jairo A. Mellado Villareal on behalf of MCS-HMO.

Plaintiffs were granted until March 23, 2009, to file a third amended complaint only for purposes of: (1) eliminating Policlínica Bella Vista as one of the defendants in this case<sup>1</sup> and (2) eliminating any allegations of the complaint regarding Laura Mata in her role as a physician, but keeping her in the complaint only as the spouse of codefendant Elíasín Muñoz. Once the third amended complaint is filed, counsel Irizarry shall file his notice of appearance on behalf of Laura Mata no later than April 8, 2009.

Counsel Vivas brought to the court's attention the motion for partial summary judgment that

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<sup>1</sup>The court was informed during the status conference that Policlínica Bella Vista had been sued due to the fact that a sign with the name of said entity had not been timely removed from the facilities.

was filed on behalf of Laura Mata on December 19, 2008. (Docket 118). Since the parties are not in disagreement as to the fact that codefendant Laura Matta was not a treating physician in this case, it is respectfully recommended that the motion for partial summary judgment (Docket 118) be GRANTED as unopposed.

It is respectfully recommended as well that the current trial date of August 31, 2009, be vacated and that the following discovery schedule discussed during the status conference be adopted:

Deadline	Event
March 23, 2009	<p>Third amended complaint is due.</p> <p>Any pending initial disclosures under F.R.Civ.P. 26 must be exchanged.</p> <p>Last day for codefendant Eliasín Muñoz to comply with order granting the motion to compel (Docket 140).</p> <p>Last day to serve any written discovery requests that have not been served already.</p> <ul style="list-style-type: none"> <li>• Interrogatories</li> <li>• Requests for production of documents</li> <li>• Requests for admissions</li> </ul>
April 8, 2009	Counsel Irizarry shall file his notice of appearance on behalf of Laura Mata and the Conjugal Partnership between her and Eliasín Muñoz.
April 13, 2009	Plaintiffs shall produce certified copies of Quirós' complete medical records in Connecticut as well as paraffin wax block evidence. Plaintiffs shall file an informative motion certifying compliance with this deadline.
April 23, 2009	<p>Answers to any pending written discovery requests:</p> <ul style="list-style-type: none"> <li>• Interrogatories</li> <li>• Requests for production of documents</li> <li>• Requests for admissions</li> </ul>

May 13, 2009	Plaintiffs must produce their expert reports. <sup>2</sup>
July 31, 2009	Conclusion of depositions of fact witnesses.
August 14, 2009	Defendants must produce their expert reports.
October 30, 2009	Conclusion of depositions of expert witnesses. Conclusion of all discovery.
December 30, 2009	Motions for summary judgment.

Plaintiffs' counsel informed that plaintiffs do not intend to use any physicians in Connecticut as witnesses (fact, treating or expert) in this case.

In San Juan, Puerto Rico, this 13<sup>th</sup> day of March, 2009.

s/ Marcos E. López  
United States Magistrate Judge

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<sup>2</sup>Plaintiffs' counsel advised that he had already announced the name(s) of his expert witness(es).